

1 In the Matter of

2 **ABRAHAM SAYEGH, M.D.**

3 Holder of License No. 18816
4 For the Practice of Allopathic Medicine
5 In the State of Arizona.

**Case No. 08A-18816-MDX-res
(AMB Case # MD-08-0145)**

**CONSENT AGREEMENT FOR
SURRENDER OF ACTIVE LICENSE**

6 **CONSENT AGREEMENT**

7 By mutual agreement and understanding between the Arizona Medical Board
8 ("Board") and Abraham Sayegh, M.D. ("Respondent") the parties agree to the following
9 disposition of this matter.

10 1. Respondent has read and understands this Consent Agreement and the
11 stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement").
12 Respondent acknowledges that he has the right to consult with legal counsel regarding
13 this matter.

14 2. By entering into this Consent Agreement, Respondent voluntarily
15 relinquishes any rights to a hearing or judicial review in state or federal court on the
16 matters alleged, or to challenge this Consent Agreement in its entirety as issued by the
17 Board, and waives any other cause of action related thereto or arising from said Consent
18 Agreement.

19 3. This Consent Agreement is not effective until approved by the Board and
20 signed by its Executive Director.

21 4. All admissions made by Respondent are solely for final disposition of this
22 matter and any subsequent related administrative proceedings or civil litigation involving
23 the Board and Respondent. Therefore, said admissions by Respondent are not intended
24 or made for any other use, such as in the context of another state or federal government
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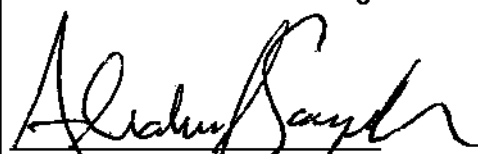
1 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
2 any other state or federal court.

3 5. Upon signing this agreement, and returning this document (or a copy
4 thereof) to the Board's Executive Director, Respondent may not revoke the acceptance of
5 the Consent Agreement. Respondent may not make any modifications to the document.
6 Any modifications to this original document are ineffective and void unless mutually
7 approved by the parties.

8 6. This Consent Agreement, once approved and signed, is a public record that
9 will be publicly disseminated as a formal action of the Board and will be reported to the
10 National Practitioner Data Bank and to the Arizona Medical Board's website.

11 7. If any part of the Consent Agreement is later declared void or otherwise
12 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in
13 force and effect.

14 8. If the Board does not adopt this Consent Agreement, (1) Respondent will not
15 assert as a defense that the Board's consideration of the Consent Agreement constitutes
16 bias, prejudice, prejudgment or other similar defense; and (2) the Board will not consider
17 content of this Consent Agreement as an admission by Respondent.

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20 ABRAHAM SAYEGH, M.D.

Dated: 1/21/08

21
22 
23 SHELDON LAZAROW, ESQ.
24 ***

REVIEWED AS TO FORM

Dated: 1/21/08

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.
2. Respondent is the holder of license No. 18816 for the practice of allopathic medicine in the State of Arizona.
3. As a result of an anonymous complaint alleging possible substance abuse and an investigative interview with Board Staff and the Board's addiction medicine consultant (Dr. Michel Sucher), on February 28, 2008, the Board issued Respondent an Interim Order for Biological Fluid and Hair Testing.
4. On March 6, 2008, the Board received the results of Respondent's hair test, which was positive for Oxycodone.
5. On March 6, 2008, Dr. Sucher alleged that Respondent admitted, after being confronted with the positive drug test results, that he had relapsed and had been "using" during the previous eight months.
6. Respondent admits having taken a few Percocet tablets that were prescribed to another person in November, 2007.
7. Respondent previously participated in the Board's Monitored Aftercare Program (MAP) for opioid abuse on two, separate occasions: 1990-1994 and 1999-2004. In those cases, Percocet (Oxycodone with Acetaminophen) and Hydrocodone were Respondent's drugs of choice.
8. Respondent agrees that the Board acted within its legal authority when it summarily suspended his license to practice allopathic medicine in the State of Arizona on March 7, 2008, after making the determination that the public health safety or welfare imperatively required emergency action, pursuant to A.R.S. §32-1451(D).

1 9. On January 20-21, 2009, this matter came before Administrative Law Judge Brian
2 Brendan Tully at a formal hearing in the Office of Administrative Hearings (OAH).

3 10. On January 21, 2009, before the Hearing had concluded, both parties agreed to
4 settle the matter, as reflected in this document.

5 11. Respondent agrees to pay the Board's Hearing costs (including fees for
6 consultants, expert witnesses, and administrative costs), not to exceed \$10,000.

7 **CONCLUSIONS OF LAW**

8 1. The Board possesses jurisdiction over the subject matter hereof and over
9 Respondent.

10 2. The Board possesses statutory authority to enter into a consent agreement with a
11 physician and accept the surrender of an active license from a physician who
12 admits to having committed an act of unprofessional conduct. A.R.S. § 32-
13 1451(T)(2).

14 3. The conduct and circumstances described above constitute unprofessional conduct
15 pursuant to A.R.S. § 32-1401(27)(g) ("[u]sing controlled substances except if
16 prescribed by another physician for use during a prescribed course of treatment.")

17 4. The Board is entitled to charge the costs of formal hearings to the licensee who it
18 finds to be in violation of this chapter (A.R.S. § 32-1451(M)).

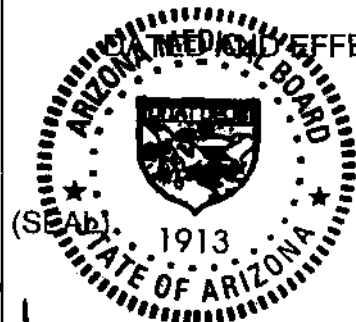
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ORDER

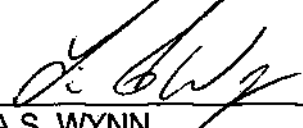
IT IS HEREBY ORDERED THAT:

1. Respondent surrender License Number 18816, issued to him by the Arizona Medical Board for the practice of allopathic medicine in the State of Arizona, and immediately return his wallet card and certificate of licensure to the Board.
2. This surrender is effective March 3, 2008 (the date of the summary suspension of license in this matter).
3. Respondent shall pay the Board's costs of the hearing at OAH, not to exceed \$10,000.

THIS ORDER IS EFFECTIVE this 4TH day of February 2009.



ARIZONA MEDICAL BOARD

By 
LISA S. WYNN
Executive Director

ORIGINAL of the foregoing filed this 4th day of February 2009 with:

The Arizona Medical Board
9545 East Doubletree Ranch Road
Scottsdale, AZ 85258

EXECUTED COPY of the foregoing mailed this 4th day of February 2009 to:

Sheldon Lazarow, Esq.
25 E. University
Tucson, Arizona, 85705
Attorney for Respondent

